

ORDINANCE NO. 2004- 074

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2004-012, REVOKING THE AD VALOREM TAX EXEMPTION GRANTED TO LAKE WORTH GENERATION, LLC, BY ORDINANCE NO. 2000-017; PROVIDING FOR TITLE; PROVIDING FOR ENACTMENT AUTHORITY; PROVIDING FOR REVOCATION OF EXEMPTION/RECOVERY OF FUNDS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County approved and adopted Ordinance No. 2000-017 entitled "Economic Development Ad Valorem Tax Exemption Ordinance – Lake Worth Generation, LLC," on the 16th day of May 2000; and

WHEREAS, such Ordinance was adopted pursuant to the authority granted in Article VII, Section 3, the Constitution of the State of Florida and Section 196.1995. Florida Statutes; and

WHEREAS, Lake Worth Generation, LLC, a wholesale electric generating provider, filed bankruptcy on the 16th day of April 2003, had its assets (including the generator) at its facility located on the Tom G. Smith Power Plant property in the City of Lake Worth sold at auction on the 10th day of March 2004, and has an expired combined cycle permit which was issued by the Florida Department of Environmental Services for this wholesale electric generating facility; and

WHEREAS, Lake Worth Generation, LLC, has failed to maintain the new business as defined in Ordinance No. 94-21, as amended, throughout the ten (10) year exemption period as required by Ordinance No. 2000-017; and

WHEREAS, Ordinance No. 94-21 authorizes revocation of the Ad Valorem Tax Exemption for failure to continue to meet the definition of a new business or an expansion of an existing business, failure to file the required annual reports, or failure to fulfill any other representation made during the application process; and

WHEREAS, Ordinance No. 2000-017 empowers the Board of County Commissioners of Palm Beach County to revoke the exemption granted to Lake Worth Generation, LLC, in the event Lake Worth Generation, LLC, fails to satisfy the

1 conditions set forth in such Ordinance; and

2 **WHEREAS**, in order to back assess the property and enable the County to
3 collect taxes exempted, the Property Appraiser is requiring that the Board adopt this
4 amended Ordinance.

5 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
6 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA**, that:

7 **Section 1. TITLE:**

8 This Ordinance shall be known as the "Amended Economic Development Ad
9 Valorem Tax Exemption Ordinance – Lake Worth Generation, LLC - Revocation of
10 Exemption".

11 **Section 2. ENACTMENT AUTHORITY:**

12 Ordinance No. 94-21 empowers the County to revoke Economic Development
13 Ad Valorem Tax Exemptions should any entity awarded an Ad Valorem Tax Exemption
14 fail to file an annual report or any other report required, fail to continue or meet the
15 definition of a new business or an expansion of an existing business, or fail to fulfill any
16 other representation made during the application process. Further, the Board of County
17 Commissioners of Palm Beach County is empowered to revoke, pursuant to Ordinance
18 No. 94-21, as amended, the exemption granted by Ordinance No. 2000-017.

19 **Section 3. REVOCATION OF EXEMPTION/RECOVERY OF FUNDS:**

20 The Board of County Commissioners hereby revokes the Ad Valorem Tax
21 Exemption granted by Ordinance No. 2000-017. Said revocation shall become effective
22 on December 31, 2002.

23 **Section 4. REPEAL OF LAWS IN CONFLICT:**

24 All local laws and ordinances in conflict with any provisions of this Ordinance are
25 hereby repealed to the extent of such conflict.

26 **Section 5. SEVERABILITY:**

27 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is
28 for any reason held by the Court to be unconstitutional, inoperative, or void, such
29 holding shall not affect the remainder of this Ordinance.

1 **Section 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

2 The provisions of this Ordinance shall become and be made a part of the Code
3 of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance
4 may be renumbered or relettered to accomplish such, and the word "ordinance" may be
5 changed to "section", "article", or other appropriate word.

6 **SECTION 7. EFFECTIVE DATE:**

7 The provisions of this Ordinance shall become effective upon filing with the
8 Department of State.

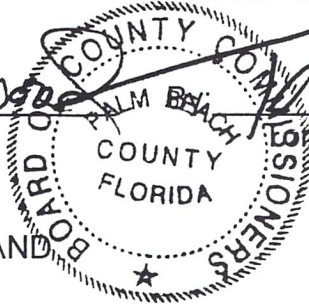
9 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm
10 Beach County, Florida, on this the 21 day of December, 2004.

11
12 DOROTHY H. WILKEN, CLERK

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

13
14
15
16 By: Donna S. Atwood
17 Deputy Clerk

Tony Maslotti
Chairman



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19
20 APPROVED AS TO FORM AND
21 LEGAL SUFFICIENCY

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23
24 By: [Signature]
25 Assistant County Attorney

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27
28 **EFFECTIVE DATE:** Filed with the Department of State on the 29 day of
29 December, 2004.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on December 21, 2004
dated at West Palm Beach, FL on 2/24/05
By: Sharon Bock
Deputy Clerk